

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>MARTWON ROWE-WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No: 1:22-CV-04934</b>
	)	
<b>v.</b>	)	
	)	
	)	
<b>BNSF RAILWAY COMPANY,</b>	)	<b>Honorable Judge Virginia</b>
	)	<b>M. Kendall</b>
<b>Defendant.</b>	)	

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**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

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**NOW COMES** Plaintiff, Martwon Rowe-Williams (“Plaintiff”), by and through the undersigned counsel, submitting this opposition to Defendant BNSF RAILWAY COMPANY’s 12(b)(6) Motion to Dismiss, and in support states as follows:

**I. INTRODUCTION**

November 29, 2022, Plaintiff filed his two-count Amended Complaint with this Court against Defendant, BNSF Railway Company. Dkt. 13. Plaintiff’s claims generally arise out of Defendant’s conduct in the hiring process, disability discrimination for failure to hire (Count I) and retaliation (Count II). *Id.* These claims arise from Americans with Disabilities Act of 1990, as amended (“ADA”).

On December 13, 2022, Defendant filed their Motion to Dismiss to Plaintiff’s Amended Complaint for failure to state a claim upon which relief can be granted. Dkt. 20. In opposition, Plaintiff submits this memorandum in support of his opposition to Defendant’s 12(b)(6) motion to dismiss and respectfully requests the Court to deny Defendant’s motion or in the alternative allow Plaintiff to amend his Complaint. For the reasons set forth in the accompanying Memorandum of

Law in Opposition of Defendant's Motion which is hereby incorporated as if fully set forth herein, Defendant is not entitled to dismissal of this action and Plaintiff respectfully requests the Court deny Defendant's Motion.

Dated this 13<sup>th</sup> day of January, 2023.

/s/ Alexander J. Taylor

Alexander J. Taylor

*Counsel for Plaintiff*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of January, 2022, a true and correct copy foregoing has been provided electronically via electronic mail and/or via U.S. mail to following:

/s/ Alexander J. Taylor

**ALEXANDER J. TAYLOR, ESQ.**